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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,475

12/07/2004

Dominique Beaufort

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09/17/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BROOKS, MATTHEW L

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,475	<b>Applicant(s)</b> BEAUFORT ET AL.	
	<b>Examiner</b> Matthew L. Brooks	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Signals are not proper subject matter for patent.

Appropriate action is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application EP 0 785 537 A1; 23.07.1997 (Toyota).

4. With respect to **claim 1** : Toyota teaches

A system comprising at least a communication network, a user entity and a server entity (Fig 12), said user entity comprising:

means for defining at least one itinerary search criterion and at least one service (Fig 12, 110 – input device AND Fig 2b –“goal” AND C1, 50-53 “input means”);

means for sending an itinerary search request to said server entity via said communication network, said request comprising at least said search criterion and said service (Fig 12, 110 – input device and Fig 2b –“goal”);

means for receiving a response via said communication network (Fig 12, 110 – input device and Fig 2b –“goal”);

means for presenting said response (Fig 12, 120, display device),  
said server entity comprising:

means for receiving said itinerary search request (Fig 12, 110 – input device and Fig 2b –“goal”);

means for computing at least one itinerary from said search criterion by using a transport database (Fig 7 and Fig 1, 12 and C2, 25-35);

means for selecting at least one provider providing said service and fulfilling at least one proximity condition with respect to the computed itinerary by using a database of service providers (Fig 2 and Fig 9 provider equivalent to “restaurant” and C1, 55-60 database stores data on service facilities);

means for sending, to said user entity via said communication network, a response comprising the computed itinerary with localization of the selected provider (Fig 6).

5. With respect to **claim 2** : Toyota teaches

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means for receiving an itinerary search request, said request comprising at least one search criterion and at least one service (Fig 12, 110 – input device and Fig 2b –“goal”);

means for computing at least one itinerary from said search criterion by using a transport database (Fig 7 and Fig 1, 12);

means for selecting at least one provider providing said service and fulfilling at least one proximity condition with respect to the computed itinerary by using a database of service providers (Fig 2 and Fig 9 provider equivalent to “restaurant”);

means for sending a response comprising the computed itinerary with localization of the selected provider (Fig 6).

6. With respect to **claim 3** : Toyota teaches

defining at least one itinerary search criterion and at least one service (Fig 12, 110 – input device AND Fig 2b –“goal” AND C1, 50-53 “input means”);

computing at least one itinerary responding to said search criterion by using a transport database (Fig 7 and Fig 1, 12 and C2, 25-35);

selecting at least one provider providing said service which fulfills at least one proximity condition with respect to the computed itinerary by using a database of service providers (Fig 2 and Fig 9 provider equivalent to “restaurant” and C1, 55-60 database stores data on service facilities);

presenting the computed itinerary with localization of the selected provider (Fig 12, 120, display device).

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7. With respect to **claim 4** : Toyota teaches wherein a transport mode is defined as the itinerary search criterion and said proximity condition is adapted as a function of said transport mode (Fig 10, S307).

8. With respect to **claim 5** : Toyota teaches, wherein the computed itinerary traverses one or several zones each being of a certain type, and said proximity condition is adapted accordingly as a function of the type of traversed zones (Fig 11, A-B AND Fig 7, cells equivalent to zones).

9. With respect to **claim 6** : Toyota teaches above is characterized in that said step of defining the service can be executed independently of the itinerary computation, and in that the services defined are stored in a current list intended to be used during the itinerary computation (This is interpreted as 2B as traveler proceeds through itinerary if unexpected obstacle occurs (traffic jam) then the system may recalculate itinerary based upon alternate services with in geographical area/zone/cell).

10. With respect to **claim 7** : Toyota teaches a program comprising instructions for performing an itinerary search method as claimed in claim 3, when it is executed by a processor (C5, 40-45).

11. With respect to **claim 8** : Toyota teaches a signal conveying an itinerary search request comprising at least one itinerary search criterion and at least one service, said request being addressed to a server entity as claimed in claim 2 (Fig 12, signal between transceiver, 116 and Data Base, 100).

12. With respect to **claim 9** : Toyota teaches a signal conveying a response to an itinerary search request, said response being sent by a server unit as claimed in claim 2

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and comprising at least one itinerary with localization of at least one service provider (Fig 12, signal between transceiver, 116 and Data Base, 100).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB  
8/9/2008

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629